

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/521,336 Confirmation No.: 9155
Applicants : Ameriga Lazzarini et al.
Filed : January 11, 2005
Title : ANTIBIOTIC 107891, ITS FACTORS A1 AND A2,
PHARMACEUTICALLY ACCEPTABLE SALTS AND
COMPOSITIONS, AND USE THEREOF
TC/AU. : 1654
Examiner : Bradley, Christina
Docket No. : PC19461A
Customer No. : 25533

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Dear Sir:

The owner, Vicuron Pharmaceuticals Inc., of 100% interest in the above-captioned application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-captioned application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 11/035,296, filed on January 12, 2005, and pending reference Application Number 11/045,628, filed on January 26, 2005, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference applications. The owner hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that it and any patent granted on the reference applications are commonly owned. This agreement runs with any patent granted on the above-captioned application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-captioned application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference applications, "as the term of any patent granted on said reference applications may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference applications." In the event that any such patent granted on the pending reference applications expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or its term is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

This Terminal Disclaimer is accompanied by a Fee Transmittal Sheet authorizing payment of the appropriate fee under 37 C.F.R. 1.20(d).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

JUNE 11, 2007
Date

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